



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 812.123	03 19 2001	Per Andersson	P02138US0	7592

7590 06 05 2003

Melissa W. Acosta
FULBRIGHT & JAWORSKI L.L.P.
Suite 5100
1301 McKinney
Houston, TX 77010-3095

EXAMINER

WELLS, NIKITA

ART UNIT

PAPER NUMBER

2881

DATE MAILED: 06.05.2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,123

Applicant(s)

ANDERSSON ET AL.

Examiner

Nikita Wells

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-8 and 11 is/are rejected.
- 7) ☐ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 3/9/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449, Paper No(s) ____)
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-150)

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hancock et al. (5,716,825).

With respect to claims 1-5 and 11, Hancock et al. disclose (Figs. 1, 2A, and 3A; Abstract; Col. 9, line 33 to Col. 10, line 6; Col.10, lines 13-21 and lines 26-38) a microfluidic device comprising an MS-analyte presentation unit for an Energy Desorption/Ionization interfaced to a mass spectrometer (EDI-MS) apparatus, the unit comprising an essentially planar support plate which on one side has one, two or more ports (MS-ports) (16, 18, 20) comprising an area (EDT area)(36) for presenting the MS-analyte to a mass spectrometer, the EDT area (36) comprising a layer I of conducting material, characterized in that layer (I) has a conductive connection (42, 44, 46, 48; see Col. 10, lines 25-28).

With respect to claims 6-8, Hancock et al. disclose (Col. 9, line 63 to Col. 10, line 6) a microfluidic device characterized in that there are two or more microchannel structures, each of which comprising an EDT area and being covered by a lid (14) which may or may not have an opening above an EDT area, and that the lid (14) comprises a common conducting layer

Allowable Subject Matter

3. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claims 9 and 10, prior art fails to disclose or make obvious a microfluidic device which is characterized in that the device is in form of a disc, which preferably is circular, and that the microchannel structures are oriented radially in the disc and arranged annularly around a spinning axis of the disc.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yin et al. (6,459,080 B1) disclose a miniaturized planar device for use in a liquid phase analysis system formed by microfabrication of microstructures in novel support substrates.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (703) 305-0416. The examiner can normally be reached 8:30 AM - 5:00 PM.

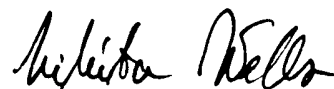
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (703) 308-4116. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 308-5777.

Application/Control Number: 09/812,123

Page 4

Art Unit: 2881

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Nikita Wells

Examiner, Art Unit 2881

June 2, 2003